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8 **BEFORE THE**
9 **BOARD OF REGISTERED NURSING**
10 **DEPARTMENT OF CONSUMER AFFAIRS**
STATE OF CALIFORNIA

11 In the Matter of the Accusation Against:

Case No. **2010-651**

12 **BONNIE J. BUCKMASTER,**
13 **a.k.a. BONNIE J. WINTERS**
14 **5663 W. Chennault Avenue**
Fresno, CA 93722
Registered Nurse License No. 567972

A C C U S A T I O N

15 Respondent.

16
17 Complainant alleges:

18 **PARTIES**

19 1. Louise R. Bailey, M.Ed., RN ("Complainant") brings this Accusation solely in her
20 official capacity as the Interim Executive Officer of the Board of Registered Nursing ("Board"),
21 Department of Consumer Affairs.

22 2. On or about June 30, 2000, the Board issued Registered Nurse License Number
23 567972 to Bonnie J. Buckmaster, also known as Bonnie J. Winters ("Respondent"). Respondent's
24 registered nurse license was in full force and effect at all times relevant to the charges brought
25 herein and will expire on February 29, 2012, unless renewed.

26 **STATUTORY PROVISIONS**

27 3. Business and Professions Code ("Code") section 2750 provides, in pertinent part, that
28 the Board may discipline any licensee, including a licensee holding a temporary or an inactive

1 license, for any reason provided in Article 3 (commencing with section 2750) of the Nursing
2 Practice Act.

3 4. Code section 2761, subdivision (a), states, in pertinent part, that the Board may take
4 disciplinary action against a certified or licensed nurse for unprofessional conduct.

5 5. Code section 2762 states, in pertinent part:

6 In addition to other acts constituting unprofessional conduct within the
7 meaning of this chapter [the Nursing Practice Act], it is unprofessional conduct for a
person licensed under this chapter to do any of the following:

8 (a) Obtain or possess in violation of law, or prescribe, or except as
9 directed by a licensed physician and surgeon, dentist, or podiatrist administer to
10 himself or herself, or furnish or administer to another, any controlled substance as
defined in Division 10 (commencing with Section 11000) of the Health and Safety
Code or any dangerous drug or dangerous device as defined in Section 4022.

11 (b) Use any controlled substance as defined in Division 10 (commencing
12 with Section 11000) of the Health and Safety Code, or any dangerous drug or
13 dangerous device as defined in Section 4022, or alcoholic beverages, to an extent or
14 in a manner dangerous or injurious to himself or herself, any other person, or the
15 public or to the extent that such use impairs his or her ability to conduct with safety to
the public the practice authorized by his or her license.

16 (e) Falsify, or make grossly incorrect, grossly inconsistent, or
17 unintelligible entries in any hospital, patient, or other record pertaining to the
substances described in subdivision (a) of this section.

18 6. Code section 4060 states, in pertinent part:

19 No person shall possess any controlled substance, except that furnished to
20 a person upon the prescription of a physician, dentist, podiatrist, optometrist,
veterinarian, or naturopathic doctor pursuant to Section 3640.7, or furnished pursuant
21 to a drug order issued by a certified nurse-midwife pursuant to Section 2746.51, a
nurse practitioner pursuant to Section 2836.1, a physician assistant pursuant to
22 Section 3502.1, a naturopathic doctor pursuant to Section 3640.5, or a pharmacist
pursuant to either subparagraph (D) of paragraph (4) of, or clause (iv) of
23 subparagraph (A) of paragraph (5) of, subdivision (a) of Section 4052 . . .

24 7. Health and Safety Code section 11170 states that no person shall prescribe,
25 administer, or furnish a controlled substance for himself.

26 8. Health and Safety Code section 11173, subdivision (a), states, in pertinent part, that
27 "[n]o person shall obtain or attempt to obtain controlled substances, or procure or attempt to
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1 procure the administration of or prescription for controlled substances, (1) by fraud, deceit,
2 misrepresentation, or subterfuge . . ."

3 9. Penal Code section 471.5 states that "[a]ny person who alters or modifies the medical
4 record of any person, with fraudulent intent, or who, with fraudulent intent, creates any false
5 medical record, is guilty of a misdemeanor."

6 COST RECOVERY

7 10. Code section 125.3 provides, in pertinent part, that the Board may request the
8 administrative law judge to direct a licentiate found to have committed a violation or violations of
9 the licensing act to pay a sum not to exceed the reasonable costs of the investigation and
10 enforcement of the case.

11 CONTROLLED SUBSTANCE AT ISSUE

12 11. "Demerol", a brand of meperidine hydrochloride, a derivative of pethidine, is a
13 Schedule II controlled substance as designated by Health and Safety Code section 11055,
14 subdivision (c)(17).

15 KINGSBURG DISTRICT HOSPITAL

16 FIRST CAUSE FOR DISCIPLINE

17 (Diversion, Possession, and Self-Administration of Controlled Substances)

18 12. Respondent is subject to disciplinary action pursuant to Code section 2761,
19 subdivision (a), on the grounds of unprofessional conduct, as defined by Code section 2762,
20 subdivision (a), in that in and between February and March 2005, while on duty as a registered
21 nurse at Kingsburg District Hospital, Kingsburg, California, Respondent did the following:

22 Diversion of Controlled Substances:

23 a. Respondent obtained the controlled substance Demerol by fraud, deceit,
24 misrepresentation, or subterfuge, in violation of Health and Safety Code section 11173,
25 subdivision (a), as follows: In or about mid-February 2005, Respondent began taking various
26 quantities of Demerol from the hospital's locked narcotics cabinet whenever following physician's
27 orders giving her the discretion to administer 50 to 100 mg of the medication for her patients.
28 Respondent would document in a patient's chart that she administered 100 mg of Demerol to the

1 patient, when, in fact, she gave the patient a lesser amount of the medication. Respondent used or
2 self-administered the remaining quantities of Demerol. The first time that Respondent diverted
3 Demerol, she drew up 50 mg of the medication into a syringe, went into the employee restroom,
4 and injected herself in the upper thigh area. Respondent put the empty syringe in her pocket and
5 disposed of the syringe in a waster container. Approximately 1 to 2 hours later, Respondent
6 injected herself with an additional 25 mg of Demerol. Respondent began to regularly divert
7 Demerol in this manner 2 to 3 times per week during her work shifts, and administered 75 mg of
8 the medication on each occasion. On or about March 22, 2005, Respondent voluntarily resigned
9 from her employment after admitting that she diverted narcotics from the hospital.

10 **Possession of Controlled Substances:**

11 b. In and between February and March 2005, Respondent possessed the controlled
12 substance Demerol, as set forth in subparagraph (a) above, without a valid prescription from a
13 physician, dentist, podiatrist, optometrist, veterinarian, or naturopathic doctor, in violation of
14 Code section 4060.

15 **Self-Administration of Controlled Substances:**

16 c. In and between February and March 2005, Respondent self-administered the
17 controlled substance Demerol, as set forth in subparagraph (a) above, without lawful authority
18 therefor, as set forth in subparagraph (c) above.

19 **SECOND CAUSE FOR DISCIPLINE**

20 **(Use of Controlled Substances to an Extent or in a Manner**

21 **Dangerous or Injurious to Oneself and/or Others)**

22 13. Respondent is subject to disciplinary action pursuant to Code section 2761,
23 subdivision (a), on the grounds of unprofessional conduct, as defined by Code section 2762,
24 subdivision (b), in that in and between February and March 2005, while on duty as a registered
25 nurse at Kingsburg District Hospital, Kingsburg, California, Respondent used the controlled
26 substance Demerol to an extent or in a manner dangerous or injurious to herself and others or to
27 the extent that such use impaired her ability to conduct her nursing duties safely, as set forth in
28 subparagraph 12 (a) above.

1 **THIRD CAUSE FOR DISCIPLINE**

2 **(False Entries in Hospital/Patient Records)**

3 14. Respondent is subject to disciplinary action pursuant to Code section 2761,
4 subdivision (a), on the grounds of unprofessional conduct, as defined by Code section 2762,
5 subdivision (e), in that in and between February and March 2005, while on duty as a registered
6 nurse at Kingsburg District Hospital, Kingsburg, California, Respondent falsified, or made
7 grossly incorrect, grossly inconsistent, or unintelligible entries in hospital, patient, or other
8 records pertaining to the controlled substance Demerol, as set forth in subparagraph 12 (a) above.

9 **HEALTHCARE CALIFORNIA**

10 **FOURTH CAUSE FOR DISCIPLINE**

11 **(Unprofessional Conduct)**

12 15. Respondent is subject to disciplinary action pursuant to Code section 2761,
13 subdivision (a), in that on or about September 13, 2007, while employed as a home health nurse
14 for Healthcare California, Fresno, California, Respondent committed acts involving dishonesty,
15 fraud, or deceit with the intent to substantially benefit herself or another, or substantially injure
16 another, constituting unprofessional conduct, as follows:

17 a. Respondent reported to Healthcare California that she made a home health visit to
18 patient S. T. on September 13, 2007. In fact, the patient had been admitted to the ICU at
19 Community Regional Medical Center on September 8, 2007, *and was still hospitalized on*
20 *September 13, 2007.* Respondent was paid gross wages of \$105 for the home visit.

21 b. Respondent fraudulently created a false medical record, as follows: Respondent
22 completed a Skilled Nursing Note for her alleged visit to patient S. T. on September 13, 2007, and
23 made false entries indicating that she assessed the patient, observed the patient's signs and
24 symptoms, made a nursing diagnosis, performed various interventions, and took the patient's vital
25 signs when, in fact, she did not make the home health visit to the patient. Further, Respondent
26 forged patient S. T.'s signature on the Skilled Nursing Note.

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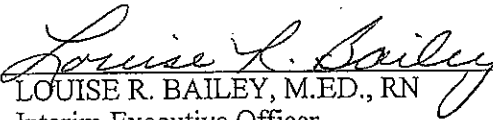
PRAYER

WHEREFORE, Complainant requests that a hearing be held on the matters herein alleged, and that following the hearing, the Board of Registered Nursing issue a decision:

1. Revoking or suspending Registered Nurse License Number 567972, issued to Bonnie J. Buckmaster, also known as Bonnie J. Winters;
2. Ordering Bonnie J. Buckmaster, also known as Bonnie J. Winters, to pay the Board of Registered Nursing the reasonable costs of the investigation and enforcement of this case, pursuant to Business and Professions Code section 125.3;
3. Taking such other and further action as deemed necessary and proper.

DATED: _____

6/17/10



LOUISE R. BAILEY, M.ED., RN
Interim Executive Officer
Board of Registered Nursing
Department of Consumer Affairs
State of California
Complainant